

## Part Two

# ***THE BLACK HILLS AS A COMMON GROUND AND A CONTESTED TERRAIN***

*Last summer all of our tribes attended a council about the Black Hills. We have held a council among ourselves and we now want to tell you what are our conclusions. We were born and raised here. Last summer our Great Father sent us very hard words. These hard words were about the animals in the Black Hills, the game that is there. The hills are full of deer and buffalo, and also plenty of good water. We look toward the Black Hills because there is plenty of money, plenty of gold, and plenty of grass. All kinds of minerals and timber are also abundant there. My Great Father wishes to have our land for his folks, for his people. We are all here and have many children. We all have families and wish to live well with all of them. I shall tell you to-day words that will make your heart glad, and I expect to hear some words from you that will make my heart glad. We give the land to our Great Father. This is the same as I said last summer. We give the Great Father part of the Black Hills from the Racing Ground (meaning the road that runs along the eastern base of the mountain). The country once belonged to us from Sioux City to this place. This country is where we were born and raised, and we told you years ago that we were going to stay here...(Iron Nation in U.S. Senate 1876:77-78).*

*The fact that gold and other mineral deposits exist here has been verified, but still further, the fertility of the soil and the healthful fragrance of the atmosphere has been found to equal any locality on Uncle Sam's farm. And from all indications we have seen, it does not appear that the Indian need be jealous of this portion of his titled estate, nor will it be robbing him to deprive him of it. We have found no settlements in the Black Hills. All we have seen have been hunting parties for the Missouri agencies, who came up here for a little summer sport. There are a few traces to show that they make their home any portion of the year, or ever did, and the only temptation to draw them are the herds of elk and deer, which a few years of active hunting would exterminate. They cannot mine the gold or iron; the timber does them no good, and they will never make any use of the rich soil that has been waiting centuries to be utilized. But I am meddling with a question it is not my province to discuss. I will state the facts, and let other people formulate the theories. The great fact here is: one of the most valuable landscapes on the continent fenced in from all civilization --one of the richest storehouses ever filled with the gifts of the Almighty locked and barred by human legislation from those for whom it was meant...(William E. Curtis, September 5, 1874, *Chicago Inter-Ocean* in Krause and Olson 1974:136).*

Although these two men came from very different situations and held divergent interests in the Black Hills, Iron Nation and William E. Curtis were equally aware of the Hills' immense value. They understood what the area's rich gold, grass, game, and timber reserves meant to each of the peoples they represented, and they obviously held very different views about who deserved to benefit from this wealth. Iron Nation, reflecting the sentiments of the Sioux people, spoke of the Hills as a homeland, a place that nourished his people and that offered hope for their future well-being. Although he was willing to give up some portions of the Hills in exchange for having the needs of his people met, he did not want to part with the lands that extended from the Race Track to the outer edges of the Hills. This was the area where most of the game was located and where some of his fellow tribespeople lived and camped over the winter. It was the area of the Hills most critical to their survival. Curtis, like so many other writers of his time, dismissed the significance of the area to its native inhabitants. Not only did he deny they lived in their reaches or used them in any serious way, other than for "summer sport," but he also claimed they did not have the capacity to harness the Hills' resources as the "Almighty" had intended. Curtis' argument for dispossessing the Hills' from their tribal occupants reveals a lack of understanding of how this region, particularly the area of the Race Track, fit into the annual subsistence cycles of local tribes. Even if he had comprehended the importance of the area for tribal patterns of adaptation, it probably would not have made much difference in altering the determination of European Americans to possess the Hills. European Americans were bound to take the Hills at any cost, and in the process, to sacrifice the lives and futures of the peoples who held it under U.S. treaty law.

Until 1877, when American Indian title to the Hills was illegally extinguished, the Black Hills were not only renowned for the richness of their game, and therefore, considered a prime hunting territory, but they were also seen as an important place for local tribes to fish and to collect plants and minerals. Throughout certain periods of their prehistory, they sustained a diversity of peoples who inhabited their outer reaches and their interiors on a year-round basis. In historic times, however, the Hills' high elevation interiors were no longer a place of permanent habitation, but a location where groups came for brief periods of time on a regular and recurring basis to carry on various task-specific activities. In contrast, the peripheries and some of the low elevation interior regions along the Red Valley were occupied either by tribal populations who wintered in these areas or who visited them for specific kinds of procurement activity at other times of the year. The general environs of Wind Cave, the Buffalo Gap, and Hot Springs was one of the areas native populations used as a wintering site, a hunting location, and an area to camp in other seasons as well.

For much of the nineteenth century, the combined forces of Lakotas, Cheyennes, and Arapahos jointly and cooperatively established their presence in the Hills. This was a common ground, where these tribal nations lived peaceably with each other, shared in the area's rich resources, and jointly claimed access to its sacred sanctuaries. There were also times when it became a contested terrain, a site of struggle where these nations fought to gain and/or preserve their use of the area's sacred spaces and material bounty. After the 1860s, the Black Hills became increasingly engulfed in confrontations with the United States and its citizens. Ownership was challenged militarily at first, and then, after 1876, by legal maneuver.

Yet, even before the Lakotas, Cheyennes, and Arapahos lost their *de facto* claim to the area, it was a resource procurement area for European Americans. By the early nineteenth century, French trappers and traders were wintering in the Hills and trapping its waterways for fur-bearing animals. When Americans arrived, they also used the area to feed their commerce in furs and hides. The initial presence of European Americans generally melded with local tribal interests. Many of these men married into local tribes and carved out an interdependency between

themselves and the tribes with whom they traded and on whose lands they lived and trapped. Generally, their presence did not stand in competition with local tribal interests. Some of these men probably trapped near Wind Cave along Beaver,<sup>1</sup> Highland, and/or Cold Spring creeks. Even though no written records were left of their activity in the region of Wind Cave National Park, we can deduce from circumstantial evidence that they were in the area.

This all changed in the 1870s, when Americans came to the Hills to seek gold. After 1874, as described in Chapters Five and Six, the area following Beaver Creek near Wind Cave became a well-trodden travel route for gold seekers entering the interiors of the Hills through the Buffalo Gap. Within less than a decade, an area that had been largely remote and off the beaten path of European American travel, quickly become a center of American economic activity and resource procurement. Logging, ranching, and tourism soon followed mining. Although neither of the first two activities was heavily pursued in the area of Wind Cave, ranching and tourism eventually became the economic mainstays of this region. As the Wind Cave area and the Black Hills more generally came under American control and domination, tribal interests were rapidly compromised. Nonetheless, many tribal peoples continued to come to the area to conduct religious observances, to gather plants for medicinal uses, and to hunt as well.

After European Americans secured control over the Black Hills, much of the area remained in the public domain. It became part of a large “commons,” regulated either by the U.S. Forest Service, the Bureau of Land Management, or the National Park Service (Geores 1990). As it had been when the Lakotas, Cheyennes, and Arapahos held sovereignty over the Hills, the public land inside the Hogback was shared and open to multiple user groups. Managed by federal agencies, much of this access took place under an umbrella of consensus, but at various points in time, competition and conflict erupted over its use. The strife typically followed in the footsteps of wider demographic and economic transitions in the Hills and the nation at large.

Throughout the twentieth century, the one group that was generally excluded from making use of the Black Hills' commons were the original tribal occupants of the area. Despite this, the Lakotas, Cheyennes, and Arapahoes have struggled since 1877, in various ways and degrees, to reclaim their political and cultural sovereignty over the Hills. Today, the Black Hills remain a site of contestation where legal wars, political struggles, and cultural battles are being waged over their ownership. The fight over the Hills continues in the courts of the nation, in the halls of Congress, and in the media that capture the attention of the American people. Wind Cave National Park has not been unaffected by this conflict. In 1981, it was the site of a political occupation organized by the leadership of the Oglala Sioux Tribe, and since then, it has remained a focus of Lakota efforts to reassert their cultural and proprietary interests in the Black Hills.

In light of a history where the Black Hills is both a site of cooperation and conflict, this section has two separate but related goals. On the one hand, it considers the different ways its human inhabitants cooperatively established their relationships to the Black Hills from early historic times until the present, and in the process, it shows how diverse patterns of adaptation came to mark their use. On the other hand, it examines the political struggles and legal battles that continue to surround the question of “ownership” and a cultural legacy for the Black Hills and Wind Cave National Park in particular.

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<sup>1</sup> In earlier times, before 1880, it was called Amphibious Creek (see Newton's 1880 map).